

Mindy Kittay  
Anythink Libraries  
11658 North Huron  
Northglenn, Colorado 80234

Received & Inspected  
MAY 17 2010  
FCC Mail Room

May 7, 2010

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Letter of Appeal

CC DOCKET NO. 02-6

RE: Date of notification of Commitment Adjustment Letter: April 21, 2010

FRN: 1222952

Billed Entity Name: Rangeview Library District

Form 471 Application Number: 440845

BEN: 142159

FCC Registration Number: 0011875689

THIS LETTER IS AN APPEAL.

1) It was determined by USAC that the above referenced FRN funding commitment be rescinded in full because during the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. This determination was based on our inability to provide documentation of the number of bids submitted, associated prices and the bid evaluation process.

E-rate is an extremely complicated process and there was no document retention training from USAC that addressed policy, forms or years for storing documents available from USAC until 2006.

While we realize that this was a violation of the retention policy we are asking that this funding not be rescinded because it was not clear at the time what documents needed to be retained or for how long.

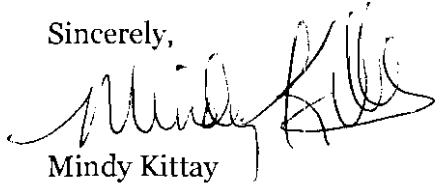
2) Additionally, it was determined by USAC that \$334.00 in funds were improperly disbursed for ineligible items: directory listings and revise directory charges. We agree that these items were billed in error and the \$334.00 should be returned to USAC.

3) Additionally, it was determined by USAC that we invoiced USAC in excess of the amount billed for services provided by the service provider. The amount overpaid

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by USAC was \$257.00. As per the Independent Accountant's Report, this was a clerical (math) error. We agree that the \$257.00 should be returned to USAC.

Sincerely,



Mindy Kittay  
Finance Director, Rangeview Library District

Contact Information for Mindy Kittay: 303-405-3284, 303-254-6998 fax,  
[mkittay@anythinklibraries.org](mailto:mkittay@anythinklibraries.org)



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Northglenn, Colorado 80234  
303.288.2001  
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**Notification of Commitment Adjustment Letter**  
**Funding Year 2005: July 1, 2005 - June 30, 2006**

April 21, 2010

**Michael Sawyer**  
**RANGEVIEW LIBRARY DISTRICT**  
**8992 WASHINGTON ST,**  
**THORNTON, CO 80229 4537**

**Re: Form 471 Application Number: 440845**  
**Funding Year: 2005**  
**Applicant's Form Identifier: 2005471**  
**Billed Entity Number: 142159**  
**FCC Registration Number: 0011875689**  
**SPIN: 143005231**  
**Service Provider Name: Qwest Corporation**  
**Service Provider Contact Person: Zana Jones**

Our routine review of Schools and Libraries Program (Program) funding commitments has revealed certain applications where funds were committed in violation of Program rules.

In order to be sure that no funds are used in violation of Program rules, the Universal Service Administrative Company (USAC) must now adjust your overall funding commitment. The purpose of this letter is to make the required adjustments to your funding commitment, and to give you an opportunity to appeal this decision. USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any).

This is NOT a bill. If recovery of disbursed funds is required, the next step in the recovery process is for USAC to issue you a Demand Payment Letter. The balance of the debt will be due within 30 days of that letter. Failure to pay the debt within 30 days from the date of the Demand Payment Letter could result in interest, late payment fees, administrative charges and implementation of the "Red Light Rule." The FCC's Red Light Rule requires USAC to dismiss pending FCC Form 471 applications if the entity responsible for paying the outstanding debt has not paid the debt, or otherwise made satisfactory arrangements to pay the debt within 30 days of the notice provided by USAC. For more information on the Red Light Rule, please see "Red Light Frequently Asked Questions (FAQs)" posted on the FCC website at [http://www.fcc.gov/debt\\_collection/faq.html](http://www.fcc.gov/debt_collection/faq.html).

TO APPEAL THIS DECISION:

You have the option of filing an appeal with USAC or directly with the Federal Communications Commission (FCC).

If you wish to appeal the Commitment Adjustment Decision indicated in this letter to USAC your appeal must be received or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and email address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify the date of the Notification of Commitment Adjustment Letter and the Funding Request Number(s) (FRN) you are appealing. Your letter of appeal must include the
  - Billed Entity Name,
  - Form 471 Application Number,
  - Billed Entity Number, and
  - FCC Registration Number (FCC RN) from the top of your letter.
3. When explaining your appeal, copy the language or text from the Notification of Commitment Adjustment Letter that is the subject of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal including any correspondence and documentation.
4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 S. Jefferson Rd.  
P. O. Box 902  
Whippany, NJ 07981

For more information on submitting an appeal to USAC, please see the "Appeals Procedure" posted on our website.

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

## FUNDING COMMITMENT ADJUSTMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Adjustment Report (Report) for the Form 471 application cited above. The enclosed Report includes the Funding Request Number(s) from your application for which adjustments are necessary. See the "Guide to USAC Letter Reports" posted at <http://usac.org/sl/tools/reference/guide-usac-letter-reports.aspx> for more information on each of the fields in the Report. USAC is also sending this information to your service provider(s) for informational purposes. If USAC has determined the service provider is also responsible for any rule violation on the FRN(s), a separate letter will be sent to the service provider detailing the necessary service provider action.

Note that if the Funds Disbursed to Date amount is less than the Adjusted Funding Commitment amount, USAC will continue to process properly filed invoices up to the Adjusted Funding Commitment amount. Review the Funding Commitment Adjustment Explanation in the attached Report for an explanation of the reduction to the commitment(s). Please ensure that any invoices that you or your service provider(s) submits to USAC are consistent with Program rules as indicated in the Funding Commitment Adjustment Explanation. If the Funds Disbursed to Date amount exceeds your Adjusted Funding Commitment amount, USAC will have to recover some or all of the disbursed funds. The Report explains the exact amount (if any) the applicant is responsible for repaying.

Schools and Libraries Division  
Universal Services Administrative Company

cc: Zana Jones  
Qwest Corporation

**Funding Commitment Adjustment Report for  
Form 471 Application Number: 440845**

Funding Request Number:	1222952
Services Ordered:	TELCOMM SERVICES
SPIN:	143005231
Service Provider Name:	Qwest Corporation
Contract Number:	T
Billing Account Number:	303-288-2001
Site Identifier:	142159
Original Funding Commitment:	\$11,008.80
Commitment Adjustment Amount:	\$11,008.80
Adjusted Funding Commitment:	\$0.00
Funds Disbursed to Date	\$10,631.96
Funds to be Recovered from Applicant:	\$10,631.96

**Funding Commitment Adjustment Explanation:**

After a thorough investigation, it has been determined that this funding commitment must be rescinded in full. During the course of an audit it was determined that the price of eligible products and services was not the primary factor in the vendor selection process. This determination was based on the applicants inability to provide documentation showing the breakdown in cost evaluation proving that price was the primary factor in the vendor selection process. FCC rules require that applicants select the most cost-effective product and/or service offering with price being the primary factor. Applicants may take other factors into consideration, but in selecting the winning bid, price must be given more weight than any other single factor. Ineligible products and services may not be factored into the cost-effective evaluation. Since price was not the primary factor in the vendor selection process, the commitment has been rescinded in full and USAC will seek recovery of any disbursed funds.

After a thorough review, it was determined that \$334.00 in funds was improperly disbursed for this funding request. During the course of an audit it was determined that funding was provided for the following ineligible items: directory listings and revise directory charges. The pre-discount ineligible cost associated with these items is \$556.57. At the applicants 60 percent discount rate this resulted in an improper disbursement of \$334.00. FCC rules provide that funding may be approved only for eligible products and/or services. The USAC web site contains a list of eligible products and/or services. See the web site, [www.universalservice.org/sl/about/eligible-services-list.aspx](http://www.universalservice.org/sl/about/eligible-services-list.aspx) for the Eligible Services List. In this situation, the applicant made the certifications on the BEAR Form listed below indicating that the services and/or equipment provided to the applicant were eligible for funding. On the BEAR Form, the authorized person certifies at Block 3, Item A that discount amounts for which reimbursement is sought represent charges for eligible services delivered to and used by eligible entities. Therefore, USAC has determined that the applicant is responsible for the rule violation. Accordingly, USAC is seeking recovery of \$334.00 from the applicant. This amount is included as part of the full recovery.

After a thorough investigation, it has been determined that funds were improperly disbursed on this funding request. During the course of an audit it was

was determined that the funds were disbursed in excess of products and/or services actually delivered to the applicant. Specifically, the applicant invoiced USAC in excess of the amount billed for the services provided by the service provider. FCC rules authorize USAC to disburse funds to service providers for providing supported services to eligible entities. These rules are violated if the Administrator is invoiced and funds are disbursed in excess of the services and/or products delivered to the eligible entity. In this situation, the applicant certified on the BEAR Form that discount amounts for which the applicant is seeking reimbursement represent charges for eligible services delivered to and used by eligible entities. Additionally, the applicant made a certification on the BEAR form stating that the discount amounts listed on the form were already billed by the service provider and paid by the Billed Entity Applicant on behalf of eligible schools, libraries, and consortia of those entities. Therefore, USAC has determined that the applicant is responsible for this rule violation and will seek recovery of the \$257.00 of improperly disbursed funds from the applicant. This amount is included as part of the full recovery.